

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 186

MINUTES OF THE MEETING OF THE CITY COUNCIL

Wichita, Kansas, January 7, 2003
Tuesday, 9:05 A.M.

The City Council met in regular session with Mayor Knight in the Chair. Council Members Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, present.

Chris Cherches, City Manager; Gary Rebenstorf, Director of Law; Pat Graves, City Clerk; present.

Rev. William Wood, St. John's Episcopal Church, gave the invocation.

The pledge of allegiance to the flag was participated in by the Council Members, staff, and guests.

Minutes -- approved The Minutes of the regular meeting of December 17, 2002, were approved 7 to 0.

AWARDS AND PRESENTATIONS

TOYS FOR TOTS 2002 Toys for Tots Campaign Appreciation Award was given.

RECOGNITION Exchange students from Cancun Mexico, LaSalle University, were recognized.

SERVICE CITATIONS Distinguished Service Citations were presented.

UNFINISHED BUSINESS

SOCIAL SERVICES CONSIDERATION TO ALLOCATE FUNDS FOR EMERGENCY SOCIAL SERVICES.
(Previously considered on December 17, 2002)

Mayor Knight Mayor Knight said this is a defining issue and requires care for one another. The proposal is being made because the City has the capacity, if it has the will, to support the City's hardworking men and women. Mayor Knight suggested the City take about four percent of its surplus and apply it towards softening the impact on unemployed workers. This is an economic issue.

Mayor Knight Mayor Knight inquired whether anyone wished to be heard.

The following persons spoke in favor of the proposal:

Sue Ledbetter, AFL CIO
unidentified person
Rev. Wanda McDaniel
Rev. Carey Anderson
Steve Ernie, Machinist Union
George Anthony, Boeing SPEA
Thomas Guthrie, SPEA
Pat Layman, aircraft worker
James (Rodus - unintelligible), Machinist Union
Joseph Biers, aircraft worker
Tim Nicholson, local businessman
King David Davis, citizen

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 187

Rev. Sam Muyskins, InterFaith Ministry
Rev. Titus James
V.J. Sessions
Jim Moore, Wichita Community Foundation
Bob Brewer, SPEA
Pat Hanrahan, United Way of the Plains
Virginia White, Foodbank

The following persons spoke against the proposal:
Craig Spickard, Service Employees Union
Greg Dye

Council Member Lambke Council Member Lambke said he had received many hostile letters and e-mails; however, he received a greater number of communications supporting the “no” vote. This is not a practical plan. The \$1 million is a drop in the bucket and will not help. There is no substitute for a job and City government has been active in trying to bring jobs to Wichita. There is a system to assist those laid off at the state and federal levels. This situation will be addressed in the next several days.

Council Member Lambke urged every person with a job in Wichita to examine contributions to charities.

Council Member Fearey Council Member Fearey stated that the first duty of government is to provide for the safety of citizens. With cuts from the state, the City must be vigilant in making sure funds are available for police and fire protection; and ensure that the City’s infrastructure is maintained to keep streets in repair, have dependable water and sewer service, safe and well-maintained parks, and funds to continue programs already in place.

The city budget is in very uncertain times. The City has had \$1,000,000 taken by the state for the remainder of this budget year - money that was already budgeted for on-going city programs. The state has also already taken \$2,000,000 from next year's budget. If the State takes the rest of the demand transfer dollars that should come to the city along with other moneys returned for programs (such as alcohol tax dollars that go to drug and alcohol rehab programs), the City would need to develop a way to fund the programs. The obvious way would be to use reserve money for as long as possible in lieu of raising taxes. If the mill levy has to be raised, people who are barely making it on the money they have may be put in a situation where they can no longer make ends meet. “The lowest figure I have heard as a possible reduction to the city from the state is \$4,000,000. The largest amount I have heard is \$11,000,000.”

Council Member Fearey said the city can explore various ways to help the people in need in the community and, at the same time, get a more realistic assessment of state budget cuts. There are still many unanswered questions regarding the best way for the city to help people. Is it with a one-time handout, economic development, small business incentives, childcare programs, job retraining, or in some other way?

Council Member Fearey proposed that all of the members of the Wichita City Council sit down together, have a frank and open discussion about this matter with no proposals on the table, and develop a way to bring the community to the table, including union representatives, religious leaders, charitable organizations, people directly affected by layoffs, leaders from surrounding communities, representatives from the medical community, etc.; and set a 30 day time table to bring a report back to the community on the best way city tax dollars can be used to help Wichita and all of its citizens get through tough times. This would give the entire community the chance to come together to address emergency needs while looking at long-term solutions that can help us all for years to come.

Council Member Martz Council Member Martz said he held the proposed charities in high regard; however, he questioned whether other charities could be disregarded. Once the \$1 million is gone, how does the City say “no” to the next request. How are the unemployed to receive help be identified. Does the money help all unemployed or just some. Why should Wichita taxpayers help those unemployed aircraft workers who do not live in Wichita? The Reserve Fund is established for operation of the City. This is an economic decision – not an ethical or moral decision. The funds are to be used by all citizens to be sure the City

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 188

can continue to operate as a whole. The City needs to continue to look for new jobs and to restore the old jobs.

Council Member Gale Council Member Gale said arguments against the proposal outweigh those in favor of the proposal. This would set a precedent. There may be ways to continue to help the unemployed. Federal funding is a possibility. The State has applied for federal assistance. The City's budget has been impacted and there have been impacts on City employees.

Council Member Brewer Council Member Brewer stated that those asking for assistance, representing the unemployed, and the businesses, each time, asked "please help." All of those asking for assistance have said this is the right thing to do. It is difficult to see why this is an issue and why the City should be discussing whether or not it should be helping them now. All the City is doing is giving something back that the now-unemployed previously gave to the City. The City Manager has not indicated that giving the \$1 million will endanger the City. The City Council has an obligation to hear what its citizens are saying. Council member Brewer urged Council approval.

Council Member Pisciotte Council Member Pisciotte said phone calls and e-mails helped show that this truly is what this community is about. The money being requested is money of the citizens. This series of layoffs is different – this is as a result of something beyond our control. Assistance was given to those in district that had tornado damage. Those in this need should also be helped.

Council Member Pisciotte suggested if the proposal does not pass, the Council should consider alternatives or different proposals.

Motion -- Mayor Knight moved that \$50,000 to the Overflow Shelter be approved.

Subst. Motion -- Fearey moved a substitute motion that the Wichita City Council sit down together in a workshop setting, on or before next Tuesday, to develop a way to bring the community to the table including union representatives, religious leaders, charitable organizations, people directly affected by layoffs, leaders from surrounding communities, representatives from the medical community, etc.; and a 30-day time table be set to bring a report back proposing the best way City tax dollars can be used to help Wichita and all of its citizens get through tough times. Substitute motion carried 4 to 3. Brewer,

-- carried Pisciotte, Knight – No.

Council Member Pisciotte Council Member Pisciotte asked Staff to prepare a report to be brought back to the City Council on alternative revenue sources such as the landfill tipping fees.

Mayor Knight Mayor Knight asked the Director of Finance to examine, and bring back to the Mayor, how long it would take the City to recoup the \$1 million by freezing City positions.

NEW BUSINESS

PAVE STREETS

PETITION TO PAVE STREETS IN AN AREA NORTH OF KELLOGG, WEST OF 119TH STREET WEST. (District V)

Neil Cable City Engineer reviewed the Item.

Agenda Report No. 03-0001

The signatures on the Petition represent 91 of 155 (58.71%) resident owners and 43.92% of the improvement district area. District V Advisory Board held a December 2, 2002, neighborhood hearing on the Petition. The Board voted 7-0 to recommend approval.

The project will provide paved access to a developed area comprised primarily of single-family homes.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 189

The estimated project cost is \$740,000, with the total assessed to the improvement district. The method of assessment is the fractional basis. The estimated rate of assessment to individual properties is \$7,032 per lot.

State Statutes provide that a Petition is valid if signed by a majority of resident property owners or owners of the majority of the property in the improvement district.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard.

Bob Powell

Bob Powell, 10223 Mickey Drive, said no one in his area signed the petition but all were included in the improvement district. All in his area have suffered flood loss and FEMA did not give financial assistance. All of the people are near retirement and cannot afford additional expenses. Nothing has happened in the flood-solving area.

The waterline in Maple changed the land elevation and now water cannot get through – making the flooding situation worse. Paving will just add additional solid surface and more surface-water runoff.

The order of improvements in the area should be taking care of the flood situation, then water lines, then paving.

Howard Moore

Howard Moore, 1500 South Wheatridge, said the project would lessen dust in the area and urged approval.

Neil Cable

City Engineer, responding to a question, said exclusion of the J.D. Owens and Mickey Additions would reduce the project cost to about \$605,000, and the individual assessment to approximately \$6,089 per lot.

Motion --

Martz moved that the Petition be approved, the J.D. Owens and Mickey Additions be removed from the project; the Resolution be adopted; and the selection of a design engineer be authorized. . Motion

-- carried

carried 7 to 0.

RESOLUTION NO. 03-001

Resolution of findings of advisability and Resolution authorizing improving Wheatridge Drive from the south line of Walker Avenue to 200 feet north of the north line of Lynndale; Hornecker Drive from the north line of US Highway 54 to the south line of Lynndale Street; Lynndale Street from 118.25 feet west of the west line of Hornecker Drive to the west line of 119th Street West; Walker Avenue from the east line of Hornecker Drive to the west line of Wheatridge Drive; Rogers Lane from the north line of Walker Avenue to the south line of Lynndale Street; Irving Street from the east line of Hornecker Drive to the west line of Rogers Lane, (north of Kellogg, west of 119th Street West) 472-83684, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Martz moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ENVISION, INC.

REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REFUNDING REVENUE BONDS **– ENVISION, INC.** (District III)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report No. 03-0002

On November 17, 1998, the City Council approved a Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$6 million to Envision, Inc. The funds were used for the acquisition of 10.5 acres of land at Pawnee and Water and the construction of a new training and employment facility designed specifically for people with low vision or no vision. Between 1999 and 2001 the City has issued bonds in the full amount of the 1998 Letter of Intent. Envision wishes to refinance its 1999 and 2001 Bonds and is requesting City Council approval of a six-month Letter of Intent to issue Industrial Refunding Revenue Bonds in the approximate amount of \$5,300,000.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 190

Envision, Inc. (Envision) is a not-for-profit firm with the special mission of providing jobs for people with blindness and other disabilities. Envision also provides job training, job placement and rehabilitation services. Envision was organized in 1931; staff includes specialists in the field of blindness who teach the blind basic life skills such as public transportation, use of assistive technology, and personal/social skills. Envision employs and provides service for persons who are blind, have low vision, blind and developmentally disabled or deaf/blind.

The Wichita facility serves as corporate headquarters and manufactures a variety of products including paper towels, seal-closure plastic bags, t-shirt plastic bags, specialty bags, plastic sheeting, high visibility belts, gun slings, and gun sling adapter kits (for U.S. Department of Defense). These products are manufactured by individuals who are blind or developmentally disabled and may otherwise not be mainstreamed into the Wichita community. Envision also has facilities in Pittsburg, KS and Kansas City.

Bond proceeds will be used to refund and redeem currently existing debt and pay costs of issuance. The refinancing of the IRB's will result in a significant reduction in annual debt service payments and will shorten the term of indebtedness by one year.

An analysis of the sources and uses of project funds is:

SOURCES OF FUNDS

| | |
|----------------------|------------------|
| Bond Reserve Account | \$ 525,000 |
| Refunding Bond Issue | <u>5,275,000</u> |
| Total Sources | \$5,800,000 |

USES OF FUNDS

| | |
|--|----------------|
| Retirement of Existing 1999 Bond Issue | \$3,400,000 |
| Retirement of Existing 2001 Bond Issue | 1,875,000 |
| Costs of Issuance | 225,000 |
| Bond Reserve Account | <u>300,000</u> |
| Total Cost of Project: | \$5,800,000 |

Gold Capital Management, Inc. will underwrite the bond issue. The firm of Hinkle Elkouri Law Firm, L.L.C. will serve as bond counsel in the transaction.

Envision has a current approved EEO/AA Plan on file with the City's Purchasing Department.

Envision agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative service fee for the term of the bonds.

Envision is not requesting a tax exemption in connection with issuance of IRBs.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Law Department will review and approve all final bond documents prior to the issuance of the bonds.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Lambke moved that the six-month Letter of Intent to Envision, Inc. for Industrial Refunding Revenue Bonds in the approximate of \$5,800,000, subject to the Standard Letter of Intent Conditions, be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 191

CASA DE-LA-FAM. REQUEST FOR LETTER OF INTENT FOR INDUSTRIAL REVENUE BONDS – CASA DE-LA-FAMILIA APARTMENTS. (District VI)

Allen Bell

Financial Projects Director reviewed the Item.

Agenda Report 03-0004

On September 18, 2001, the City Council approved the issuance of a letter of intent to issue industrial revenue bonds in an amount not to exceed \$10,000,000 to finance the costs of developing a multi-family housing project (Casa Del Norte Apartments), located at 505 West 33rd Street North, in north-central Wichita. The approval of the letter of intent also served as evidence of City support for affordable housing tax credits. In addition, the City Council approved a property tax rebate under the Neighborhood Revitalization Program, equal to all taxes paid on real property improvements for a period of five years, plus an additional five years subject to Council approval.

Since then, the original developer, C.E.R. Corporation, Inc. has been unable to finalize agreements necessary to complete the project. The owner of the project site, John McKay, has requested that the Letter of Intent be re-issued in the name of his development Community Housing Partners, L.L.C. in the amount of approximately \$11,000,000.

The \$11 million project renamed Casa de-la-Familia Apartments will be completed in two phases. In its initial phase of development, Casa de-la-Familia Apartments will consist of six residential buildings containing a total of 80 units, and an office facility that will include two learning centers and a central laundry room. The proposed project is not only designed to provide a quality apartment living community targeted to (but not limited to) the Hispanic Community, but residents will also have available a full range of educational opportunities to help in adjusting to the American culture and gaining access to the workforce, provided by the S.E.R. Corporation, a national workforce training organization.

The project will be funded with the proceeds of tax-exempt multifamily housing revenue bonds and/or affordable housing tax credits. It is the intent of the owner to qualify 100% of the apartment units for the tax credit program by reserving the units for tenants whose income does not exceed 60% of the area median income. The City's Tax Credit Policy requires that at least 20% of the units be offered as market-rate units unless there are extenuating circumstances unless an exception is approved by the City Council. The policy allows exceptions to be made in cases where the needs of special populations are being addressed, as is the case here.

An estimated analysis of the Phase I sources and uses of project funds is:

SOURCES OF FUNDS

| | |
|-------------------------|------------------|
| Bond Proceeds (Phase I) | \$5,000,000 |
| Tax Credit Equity | <u>2,500,000</u> |
| Total Sources | \$7,500,000 |

USES OF FUNDS

| | |
|--------------------|----------------|
| Land (Phase I) | \$ 70,000 |
| Construction Costs | 7,080,000 |
| Costs of Issuance | 125,000 |
| FHA Financing Fees | 125,000 |
| Other Fees | <u>100,000</u> |
| Total Uses | \$7,500,000 |

It is anticipated that construction of Phase I will proceed immediately and Phase II will start within two years. The firm of Hinkle Elkouri Law Firm, L.L.C., will serve as bond counsel in the financing transaction. The bonds will either be privately placed with a financial institution or publicly reoffered to investors.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 192

Community Housing Partners, L.L.C. agrees to comply with the Standard Conditions contained in the City's IRB Policy, with the exception of condition #7, which requires, in part, selection of general contractors based on procedures that do not exclude minority or women-owned firms. Community Housing Partners, L.L.C. will advertise for subcontractors in a way that is inclusive of minority and women-owned firms; however, Casado-MacKay, Inc., was pre-selected to serve as general contractor because of its financial interest in the project.

The developer originally requested a property tax abatement on the bond-financed improvements, which is not allowed under current IRB policy. An alternative that is provided for under current policy is a property tax rebate under the Neighborhood Revitalization Program. Under the approved guidelines for this program, the City Council may approve a rebate of taxes on all real property improvements for a term of five years, plus an additional five years, on a case-by-case basis. Staff recommends this approach as an alternative to approving a tax abatement outside of the IRB policy.

Community Housing Partners, L.L.C. agrees to pay all costs of issuing the bonds and agrees to pay the City's \$2,500 annual IRB administrative fee for the term of the bonds. The amount of the proposed tax rebate for Phase I would be approximately \$72,000 per year, of which \$21,000 would be from the City of Wichita, \$20,000 from Sedgwick County and \$31,000 from USD 259.

Bond documents needed for the issuance of the bonds will be prepared by bond counsel. The City's Attorney's Office will review and approved the form of bond documents prior to the issuance of any bonds. The public hearing held on August 7, 2001, satisfied the public hearing requirement in the City's policy governing support for affordable housing tax credits.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Fearey moved that the three-year Letter of Intent for Industrial Revenue Bonds in an amount not-to-exceed \$11,000,000, subject to the Standard Letter of Intent Conditions with the exception of condition #7; a 100% property tax rebate under the Neighborhood Revitalization Program for a term of five years, plus an additional five years subject to City Council review; and, and City support for low-income housing tax credits for 100% of the project, subject to all conditions pertaining to the original Casa Del Norte project, be approved. Motion carried 7 to 0.

-- carried

ENV. PROTECTION

ENVIRONMENTAL PROTECTION RESOLUTION.

Jack Brown

Environmental Health Director reviewed the Item.

Agenda Report No 03-0005

The City of Wichita has a strong history of addressing environmental issues and providing leadership in environmental protection. Examples include initiatives such as the Gilbert-Mosley and North Industrial Corridor groundwater remediation projects, Arkansas River initiative, encouragement of Brownfields redevelopment, protection of drinking water resources from potential degradation from confined livestock feeding operations and other environmental activities. As a further demonstration of its environmental awareness, the City Council adopted a Strategic Environmental Resolution on February 1, 2000. As part of that resolution protection of our drinking water supplies, particularly the Equus beds, and protection of other water resources were identified as primary goals.

Subsequent to the City of Wichita's initiatives to protect the Equus beds and improve Arkansas River water quality the Governor's office issued an Executive Order to the Secretary of Health and Environment that identified actions for the Kansas Department of Health and Environment (KDHE) to implement regarding Equus beds protection. One of the principle initiatives that resulted from the Executive Order was the development of more stringent KDHE regulations regarding concentrated animal feeding operations (CAFO's) issues. KDHE chose not to enact these regulations pending the promulgation of newly proposed federal regulations for CAFO's by the United States Environmental Protection Agency (EPA). The new EPA CAFO rules have now been issued and fail to provide the necessary protection for vulnerable ground water supplies. By this resolution, the Wichita City Council will be encouraging the incoming Governor, the current Secretary of Health and Environment and

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 193

other localities in south-central Kansas to support more stringent environmental regulations regarding animal feeding operations.

There are no financial Considerations.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion -- carried

Knight moved that the Resolution be adopted and the transmittal be authorized. Motion carried.

RESOLUTION NO. 03-028

A Resolution addressing the protection of the equus beds and environmental resources of the City of Wichita, KS, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

BANKING SERVICES BANKING SERVICES AGREEMENT.

Ray Trail

Director of Finance reviewed the Item.

Agenda Report No. 03-0006

A Request For Proposal (RFP) for banking services was distributed to local financial institutions in September of 1999. A selection decision was deferred until after the first quarter of 2000 due to the Year2000 (YTK) transition. The City received three responses (Commerce, Intrust, & UMB). The respondents' responses were reviewed for their ability to meet the City's requirements and provide accurate, timely services to support City activities. Commerce Bank submitted the lowest cost proposal meeting the City's current needs and requirements. The City began negotiation of a contract in 2000.

Despite protracted contract negotiations, the City and Commerce Bank have been unable to reach an accord on the terms of a written agreement. The key issue separating the parties involved the determination of the Bank to include authority for the Bank to subcontract certain banking services to third party vendors or subcontractors and then pass through any liability or risk to City funds to the third party vendor or subcontractor. The City was unwilling to agree to such a contract unless it contained a provision that any subcontracting to a third party involving the handling of City funds on deposit with the Bank would require a formal amendment to the master treasury services agreement requiring City Council review and approval.

Because the City was unwilling to execute an agreement with the language stipulated by the Bank, Commerce Bank served notice to the City that the Bank was (unilaterally) terminating all treasury and cash management services to the City effective at the close of business on January 31, 2003. This deadline is arbitrarily and punitively short to the City and its thousands of employees and business customers. Nevertheless, the City is moving swiftly to meet this nearly impossible deadline. City staff have entered into negotiations with Intrust on various contracts to provide all banking services to the City. It is expected that all essential banking services would be transitioned by January 31, 2003. Other, non-essential, services would be suspended as of January 31, 2003, until they can be activated at the earliest possible date.

The costs for banking services are funded from interest earnings within the City Treasurer's Office.

The resolutions, agreements/contracts will be approved as to form by the Law Department prior to execution.

Mayor Knight

Mayor Knight inquired if anyone wished to be heard and no one appeared.

Motion --

Knight moved that the selection of Intrust Bank ("the Bank") to provide banking services for the City accounts be approved, the Bank be authorized to serve as a depository pursuant to K.S.A. 9-140, and the Resolution approving such selection and authorizing the City Manager to agree upon and enter into Agreements setting forth the terms and conditions upon which the Bank will make transfers of the

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 194

carried

City's funds to or from any accounts of the City, which Agreements may authorize the Bank to act upon requests received, in accordance with its procedures, from the Director of Finance or the City Manager be adopted; and the Resolution authorizing the City Manager to sign appropriate safekeeping, automatic clearing house, wire transfer, collateral securities and repurchase Contract Agreements be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-002

A Resolution approving the selection of Intrust Bank, N.A., as a banking services provider and authorizing the preparation, execution and delivery of certain agreements in connection therewith, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-003

A Resolution authorizing the execution and delivery of Agreements pertaining to automatic clearing house services, wire transfer services, custody and safekeeping of funds and collateral securities, security repurchase Agreements, and related matters in connection with the selection of Intrust Bank, N.A., as a Banking Services Provider for the City of Wichita, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL AGENDA

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR CITY COUNCIL MEMBERS TO ATTEND NATIONAL LEAGUE OF CITIES ANNUAL CONGRESSIONAL CITY CONFERENCE IN WASHINGTON, DC., MARCH 6-11, 2003.

Motion -- carried Knight moved that the travel expenditures be approved. Motion carried 6 to 1. Lambke – No.

TRAVEL APPROVAL APPROVAL OF TRAVEL EXPENSES FOR MAYOR AND SPOUSE FOR OFFICIAL SISTER CITIES VISIT TO CANCUN, MEXICO, JANUARY 15-19, 2003.

Motion -- carried Pisciotte moved that the travel expenditures be approved. Motion carried 7 to 0.

NAMING BRIDGE CONSIDERATION OF NAMING SENECA STREET BRIDGE.

Motion --
-- carried Fearey moved that this Item be deferred and Staff be asked to meet with the Board of Directors of the Mid-American All Indian Center (MAAIC) and Professor Shaw. Motion carried 7 to 0.

CONSENT AGENDA

Knight moved that the Consent Agenda, with exception of 13f, be approved as consensus Items. Motion carried 7 to 0.

BOARD OF BIDS REPORT OF THE BOARD OF BIDS AND CONTRACTS DATED JANUARY 6, 2003.

Bids were opened July 12, 2002, pursuant to advertisements published on:

PUBLIC WORKS DEPARTMENT/ENGINEERING DIVISION: Sewers, Paving and Water Mains as per specifications.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 195

Harvest Park Tennis Court Rehabilitation Project 2003 to serve Harvest Park - south of 13th, east of Westlink. (472-83633/785030/785023/393162/392155) Traffic to be maintained during construction using flagpersons and barricades. (District V)

Australan Courtworks - \$74,177.50

Lateral 269, Main 5, Sanitary Sewer #22 to serve Ray Allen Addition - north of 9th, west of Hoover. (468-83480/743939/480627) Traffic to be maintained during construction using flagpersons and barricades. (District VI)

WB Carter Construction - \$8,390.00 (Negotiated to Engineer's estimate)

Lakeview Drive, from the east line of Stagecoach to the west line of Cactus; Cactus, from the east line of Lot 6, Block 3 to the south line of Kellogg Ave.; Cactus Court from the east line of Cactus to and including the cul-de-sac to serve Springdale East Second Addition - south of Kellogg, east of 143rd Street East. (472-83482/765761/490872) Traffic to be maintained during construction using flagpersons and barricades. (District II)

APAC – Kansas Inc.- \$140,651.10

Water distribution system to serve Springdale East Second Addition - south of Kellogg, east of 143rd Street East- (448-89658/735093/470763) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Nowak Construction - \$30,005.07

Water distribution system to serve Remington Place - south of 21st Street North, east of Webb. (448-89569/735095/470765) Traffic to be maintained during construction using flagpersons and barricades; AND Water distribution system to serve Remington Place - south of 21st Street North, east of Webb. (448-89570/735096/470766) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Dondlinger & Sons - \$111,678.00 (Total aggregate bid)

Lateral 35, Main 24, War Industries Sewer to serve Remington Place - south of 21st Street North, east of Webb. (468-83247/743958/480646) Traffic to be maintained during construction using flagpersons and barricades; AND Lateral 36, Main 24, War Industries Sewer to serve Remington Place - south of 21st Street North, east of Webb. (468-83248/743959/480647) Traffic to be maintained during construction using flagpersons and barricades. (District II)

K C Excavating - \$132,121.00 (Total aggregate bid)

Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83505/743952/480640) Traffic to be maintained during construction using flagpersons and barricades; Lateral 1, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83510/743953/480641) Traffic to be maintained during construction using flagpersons and barricades; AND Lateral 4, Main 12 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83513/743954/480642) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Nowak Construction - \$152,995.20 (Total aggregate bid)

Lateral 1, Main 13 Four Mile Creek Sewer to serve Hawthorne Addition - north of 21st Street North, east of 127th Street East. (468-83507/743955/480643) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Utility Contractors - \$65,606.00

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 196

Storm Water Drain #189 to serve The Waterfront Addition - north of 13th Street North, east of Webb. (468-83500/751320/485211) Traffic to be maintained during construction using flagpersons and barricades. (District II)

Pearson Excavating - \$268,223.09

2002 Planeview Sanitary Sewer Reconstruction, Phase 2 - north of 31st Street North, east of Hillside. (468-83555/622238/642346) Traffic to be maintained during construction using flagpersons and barricades. (District III)

WB Carter Construction - \$230,999.00

Knight moved that the contract(s) be awarded as outlined above, subject to check, same being the lowest and best bid within the Engineer's construction estimate, and the and the necessary signatures be authorized. Motion carried 7 to 0.

WATER & SEWER DEPARTMENT/WATER DISTRIBUTION DIVISION: Electric Power to Water Valve Actuators. (633685)

Kilian Electrical Service Inc. - \$47,800.00 (Base bid and option 1)
\$29,017.50 (Option 1)

PUBLIC WORKS DEPARTMENT/BUILDING SERVICES DIVISION: Alford Regional Library Furniture. (792372)

Kansas Contract Design, L.C. - \$256,065.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: ACO Office Remodel Federal Aviation Administration. (501030)

Caro Construction Co. Inc. - \$47,963.00 (Total net bid)

AIRPORT DEPARTMENT/ENGINEERING DIVISION: Aircraft Passenger Stairway Truck. (500496)

Stinar Corporation - \$69,956.00 (Total net bid)

Knight moved that the contract(s) be awarded as outlined above, same being the lowest and best bid, and the necessary signatures be authorized. Motion carried 7 to 0.

LICENSES

APPLICATIONS FOR LICENSES TO RETAIL CEREAL MALT BEVERAGES:

| <u>Renewal</u> | <u>2003</u> | <u>(Consumption on Premises)</u> |
|----------------------------------|--|---|
| Mon Fee Wong Doug E. Beckham | Golden Dragon Restaurant* Leonora's | 6100 East 21st Street #180 1528 South Washington |
| | | <u>(Consumption off Premises)</u> |
| Jay A. Johnson Jay A. Johnson | Johnson's General Stores, Inc. #06 Johnson's General Stores, Inc. #39 | 1003 South Seneca 5400 North Meridian |
| <u>New Operator</u> | <u>2003</u> | <u>(Consumption on Premises)</u> |
| Beth A. Schoenhofer | The Chug | 5111 West 13th Street |

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 197

New Establishment

Mark T. Ryan
Joseph R. Boucher

Two Brothers BBQ*
Stix

(Consumption on Premises)

750 North Woodlawn
4311 West Central

(Consumption off Premises)

Son Binh Tran

C & C Store

1131 East 47th Street

*General/Restaurant - 50% or more of gross receipts derived from sale of food.

Motion --
-- carried

Knight moved that the licenses be approved subject to Staff review and approval. Motion carried 7 to 0.

PLANS AND SPECS. SUBDIVISION PLANS AND SPECIFICATIONS.

There were no Sub-Division Plans and Specifications submitted.

PRELIMINARY ESTS. PRELIMINARY ESTIMATES:

- a) 2003 wheelchair ramp and sidewalk - Phase 2 - north of MacArthur, east of Oliver - 472-83660/ 06847 /203313) Traffic to be maintained during construction using flagpersons and barricades. (Districts I&III) - \$200,000.00
- b) 2002 contract maintenance preparatory curb & gutter repairs - north of 47th Street South, east of 135th Street West. (472-83490/132712/) Traffic to be maintained during construction using flagpersons and barricades. (Districts I,II,III,IV,V&VI) - \$245,000.00
- c) Main 6, Northwest Interceptor Sewer - north of 21st North, east and west of Maize Road. (468-83423/743925/480613) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$2,134,250.00
- d) Rutgers Court serving Lots 1 thru 10, Block 5; Rutgers Court serving Lots 11 thru 20, Block 5; Greenspoint from the west line of Rutgers/Greenspoint to the west line of Lot 1, Block 6; Parkdale from the south line of Lot 11, Block 6 to Greenspoint/Parkdale; and Sidewalk along the west, south and east side of Rutgers/Greenspoint/Parkdale to serve Evergreen Addition - north of 21st Street North, west of Maize Road. (472-83256/765756/490867) Does not affect existing traffic. (District V) - \$647,000.00
- e) Lift station & force main for Main 21, Southwest Interceptor Sewer to serve Gray's 5th Addition - north of 47th Street South, east of Hoover. (468-83428/743949/480637) Does not affect existing traffic. (District V) - \$660,000.00

Motion -- carried

Knight moved that the preliminary estimates be received and filed. Motion carried 7 to 0.

Agenda Item #13f)
WATER MAIN

- f) Installation of water main in Maize Road from 29th Street North to 37th Street North (District V) - along Maize Road from 29th Street North to 37th Street North. (448-89752/633754/752869) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$390,000.00

Motion --
-- carried

Martz moved that this Item be deferred until the February 4, 2003, Council meeting. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 198

AMENDED PRELIMINARY ESTIMATES:

- g) Water Distribution System to serve part of Lots 19 and 20, Block 12, Fruitvale Addition - south of Central, east of Hoover. (District IV) - \$3,210.00
- h) Water Distribution System along Burton Street, between St. Paul and Gordon (District IV) - \$3,350.00
- i) Water Distribution System to serve the west half of Lot 61, Valley Acres Addition - south of 10th, west of Custer.. (District VI)- \$6,300.00
- j) Water Distribution System to serve part of Lot 4, Block 4, Avery Addition -north of Central, west of Hoover. (District VI) - \$5,000.00
- k) Lateral 105, Sanitary Sewer to serve Great Plains Business Park 3rd Addition - south of 37th Street North, east of Oliver. (District I) - \$10,900.00

Motion -- carried Knight moved that the Preliminary Estimates be received and filed. Motion carried 7 to 0.

DEEDS/EASEMENTS DEEDS AND EASEMENTS:

- a) Easement dated October 31, 2002 from Ted Wilbur, Green-Glo Turf Maintenance, Inc. for a tract of land in Lot 1, Block 1 Wilbur Addition, Wichita, Sedgwick County, Kansas (Private Project, OCA #607861). No cost to City.
- b) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for a tract of land in Lot 2, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.
- c) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for tracts of land in Lots 2, 5 and 6, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.
- d) Easement dated December 10, 2002 from Bradley Fair One, L.L.C. for a tract of land in Lot 6, Block 1 Bradley Fair Addition, Wichita, Sedgwick County, Kansas (Waterline, OCA #607853). No cost to City.

Motion -- Knight moved that the documents be received and filed; and the necessary signatures be authorized
-- carried Motion carried 7 to 0.

BOARDS MINUTES MINUTES OF ADVISORY BOARDS/COMMISSIONS:

Wichita Public Building Commission, April 10, 2002
Wichita Public Building Commission, July 17, 2002
Wichita Public Building Commission, August 7, 2002
Wichita Employees' Retirement System, October 16, 2002
Police & Fire Retirement System, October 23, 2002
District Advisory Board VI, November 4, 2002
Wichita Employee's Retirement Board/Police & Fire Retirement Board, November 7, 2002
Police & Fire Retirement Board, November 12, 2002
Wichita Public Library, December 17, 2002

Motion -- carried Knight moved that the Minutes be received and filed. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 199

STREET CLOSURES CONSIDERATION OF STREET CLOSURES/USES.

There were no street closures submitted.

CLAIMS ALLOWED REPORT ON CLAIMS ALLOWED NOVEMBER 2002:

| <u>Name of Claimant</u> | <u>Amount</u> |
|----------------------------------|---------------|
| Atwood, Tammy | \$267.90** |
| Fox, Su | \$507.21 |
| Jacques, Andy | \$349.41 |
| Kansas Truck Equipment Co., Inc. | \$683.70 |
| Myshka, Paul | \$391.00 |
| Sager, Melissa | \$156.73 |
| Sedgwick County Risk Mgmt | \$2,457.10 |

** Settled for lesser amount than claimed.

Motion -- carried Knight moved that the report be received and filed. Motion carried 7 to 0.

LEGAL SERVICES LEGAL SERVICES – CIVIL RIGHTS AND PERSONAL INJURY.

Agenda Report No. 03-0008

The city retained the law firm of McDonald, Tinker, Skaer, Quinn and Herrington, P.A. to provide legal services for the city in civil rights and personal injury cases involving police litigation.

The current contract provided for compensation not to exceed \$25,500. It is necessary to spend additional sums for the representation of the city in four cases which have been completed. This will be the eighth amendment to the contract.

Funding for this contract is from the Tort Claims Fund.

The Law Department recommends acceptance of the contract. The additional sums are necessary for the representation in city litigation matters which have recently been closed and is reasonable in amount.

Motion -- Knight moved that the Agreement between the city and McDonald, Tinker, Skaer, Quinn and Herrington, P.A. be amended to authorize payment of up to \$4,531.18 for the provision of additional legal services in 2002, together with any necessary fund transfers; and the necessary signatures be authorized. Motion carried 7 to 0.

-- carried

WESLEY INN UTILITY EASEMENT FOR WESLEY INN. (District II)

Agenda Report no. 03-0009

Over the past year the City Council has taken a series of actions authorizing improvements in connection with the Central and Hillside Redevelopment Project, including the acquisition of property and the leasing of such property to Wesley Inn, LLC for the development of a hotel and a commercial building. As construction has proceeded, the developer has requested that City grant an additional utility easement across a corner of the leased property.

The utility easement is being requested by the Kansas Gas Co. in order to provide gas service to the commercial building being built next to the hotel locate at the southwest corner of Central and Rutan. The proposed easement is a 40-by-15-foot area in the southwest corner of the parcel adjacent to the

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 200

intersection of two existing utility easements. The utility easement is required so that the gas line can be properly aligned up in an easement in order to serve the south side of the new building.

There is no financial impact on the City as a result of the request.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY/COUNTY

CITY/COUNTY FOR KELLOGG/TYLER AND MAIZE INTERCHANGES PROJECT. (District V)

Agenda Report No. 03-0010

In June 2002 the City of Wichita awarded a contract to Wildcat Construction Company, Inc. for the Kellogg/Tyler and Maize Interchanges project.

Sedgwick County has agreed to participate in the cost of the construction project.

The Agreement provides that Sedgwick County will pay the City of Wichita \$10 million to assist in the construction of the Kellogg/Tyler Interchanges project.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

HOMELAND PREP.

AMENDMENT – HOMELAND PREPAREDNESS CENTER. (District I)

Agenda Report No. 03-0011

The Kansas National Guard is proposing to build a new Homeland Preparedness Center (formerly referred to as an Armory) in Wichita. The City and Sedgwick County are being requested to share in the cost of this facility with the ability to jointly use a portion of the building.

On June 18, 2002, the City Council approved the project, adopted the Resolution, and authorized Staff to select a design consultant.

On September 17, 2002, the City Council approved a contract with Gossen Livingston Associates, Inc., for services through 35% Design Development.

There have been extensive changes in the scope of this Project that have significantly affected the scope of Gossen Livingston's work.

The original guidance from the National Guard was for a building of about 64,000 square feet in size. This has more than doubled to a programmed area of about 142,000 square feet, due in part to the addition of the Marine Corps, but also additional units and requirements for the Guard. The Guard has also indicated that the 35 % design for the Organizational Maintenance Shop (OMS) needs to be done at the same time as the center, even though they do not yet have the authorization to begin design on the OMS.

The Contract Amendment with Gossen Livingston is for \$170,000 for additional design efforts for the increase in the main center and for \$12,410 for re-platting and rezoning of the proposed site for a total of \$182,710. This excludes the 35% design fees associated with the OMS.

The Project is authorized in the 2002-2011 Capital Improvement Program (CIP). The funding source is General Obligation Bonds. (Project No. 435349, OCA No. 792379). Sedgwick County is contributing 50% of the design costs, \$250,000 with a commitment of \$1.45 million to be paid over a designated time. The City and County's financial (combined) commitment is not to pay more than \$3.4 million. With the addition of the Marine Corps, the entire Project will be Federally funded.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 201

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

BROOKS LANDFILL GRANT AWARD – HORIZONTAL GRINDER FOR BROOKS LANDFILL.

Agenda Report No. 03-0012

The Kansas Department of Health and Environment (KDHE) operates a grant program for units of local government and the private sector to receive grants to implement projects that are consistent with the adopted local (Sedgwick County) solid waste plan. On April 26, 2002, the City Council approved a grant application for a horizontal grinder that would be operated at the Brooks C&D Landfill for volume reduction and recycling. On August 26, 2002, the City received word that a grant award is to be made to the City of Wichita.

The grant award will help to pay the cost of a horizontal grinder. This unit will be used at the Brooks C&D Landfill and other locations around the city as needed to address volume reduction of C&D waste and to process portions of the waste stream to improve their potential to be recycled. The benefits of using this grinder include: increased hauling efficiency (especially in times of storm recovery), conservation of disposal airspace at the Brooks C&D site and any other C&D disposal site that the City might operate in the future; and an improvement in the potential to recycle selected portions of the C&D waste stream.

The grant application requested \$435,500 in state funds with a local match of \$448,404. The grant award is to be in the amount of \$100,000. Sufficient funds to pay the adjusted local match are available in the Public Works Department Maintenance Division Budget (although a budget adjustment will be required). The capital outlay being made under this grant application totals \$435,500. With the actual grant award amount from KDHE being \$100,000, the budget adjustment will be \$335,500 for a one time capital equipment purchase. The balance of the grant budget represents first year operating costs, capital equipment that the City had already purchased, and first year fleet maintenance equipment rental charges.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

PUMP STATION EASEMENT RELEASE – CRESTVIEW PUMP STATION.

Agenda Report 03-0013

The Crestview Pump Station was originally owned by the County and was located in an easement held by the County. When the pump station was purchased by the City, the easement was assigned to the City. The City rehabilitated the pump station and acquired new permanent and temporary construction easements from Crestview Country Club.

As a condition to the new easements, the City is required to release the original easement for the pump station property, which has not been done. This Agreement will release the original easement back to Crestview Country Club.

There are no financial considerations.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 202

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - HAWTHORNE ADDITION – NORTH OF 21ST, EAST OF 127TH STREET EAST. (District II)

Agenda Report No. 03-0014

The City Council approved the project on October 22, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Hawthorne Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$196,980, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - THE WATERFRONT ADDITION AND BEECH LAKE DEVELOPMENT – EAST OF WEBB, NORTH OF 13TH. (District II)

Agenda Report No. 03-0015

The City Council approved the project on October 1, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in The Waterfront Addition & Beech Lake Development. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$38,528, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

DESIGN SERVICES AGREEMENT FOR DESIGN SERVICES - WICHITA HEIGHTS HIGH SCHOOL ADDITION – SOUTH OF 53RD STREET NORTH, WEST OF HILLSIDE. (District I)

Agenda Report No. 03-0016

The City Council approved the project on December 10, 2002.

The proposed Agreement between the City and MKEC Engineering Consultants, Inc. (MKEC) provides for the design of bond financed improvements in Wichita Heights High School Addition. Per Administrative Regulation 7a, staff recommends the selection of MKEC as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$24,880, and will be paid by special assessments.

Motion -- Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized.
-- carried Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 203

DESIGN SERVICES

AGREEMENT FOR DESIGN SERVICES - SPRINGDALE EAST SECOND ADDITION – SOUTH OF KELLOGG, EAST OF 143RD STREET EAST. (District II)

Agenda Report No. 03-0017

The City Council approved the project on November 19, 2002.

The proposed Agreement between the City and Ruggles & Bohm, P.A. (R&B) provides for the design of bond financed improvements in Springdale East 2nd Addition. Per Administrative Regulation 7a, staff recommends the selection of R&B as this firm provided the preliminary engineering services for the platting of the subdivision and can expedite plan preparation.

Payment will be on a lump sum basis of \$23,986, and will be paid by special assessments.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

ELECTRIC LINES

RELOCATION OF WESTERN RESOURCES ELECTRIC LINES FOR THE HYDRAULIC, 47TH STREET SOUTH TO MACARTHUR PROJECT. (District III)

Agenda Report No. 03-0018

On March 5, 2002 the City Council approved paving and drainage improvements to Hydraulic, 57th St. S. to MacArthur. Phase III is currently underway, which widens Hydraulic between 47th St. S. & MacArthur to five lanes, including sidewalk and storm sewers. Existing Western Resources electrical lines will have to be relocated to accommodate the roadway improvements.

The electrical facilities to be moved were originally located in a private easement. Because of this, the cost to relocate the facilities must be paid by the City.

The estimated cost to relocate the lines is \$78,000. Funds are available in the project account (funded by General Obligation bonds) to provide for this expense.

Motion --
-- carried

Knight moved that the Agreement/Contract be approved; and payment and the necessary signatures be authorized. Motion carried 7 to 0.

TOURISM GRANT

KANSAS DEPARTMENT OF HOUSING & DEVELOPMENT TOURISM GRANT-AVIATION FESTIVAL MARKETING.

Agenda Report No. 03-0019

On Dec. 17, 2002, the Kansas Department of Housing and Development announced the award of a Tourism Development grant to the City of Wichita. The purpose of the grant is to provide a portion of the funding necessary to market the 2003 Aviation Festival.

In September 2002, the City Council approved the submission of the Kansas Department of Housing and Development Tourism Development grant application to the State of Kansas.

The City of Wichita will serve as the grantee for Kansas Department of Housing and Development Tourism Development grant since the City has the expertise to operate the grant and the funds will be used to market a citywide festival. The Kansas Department of Housing and Development has approved the grant application and provided the necessary grant award documents.

The grant totals \$24,000 and requires 60/40 matching funds. The City will have 18 months, starting Jan. 1, 2003 to spend the KDHD funds. The grant is part of the funds to be raised by the private sector for the Aviation Festival.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 204

Motion -- Knight moved that the Grant Application and receipt of funds be approved; and the necessary signatures
-- carried be authorized. Motion carried 7 to 0.

STREET PROGRAM 2003 STREET REHABILITATION PROGRAM. (Districts II and IV)

Agenda Report No. 03-0020

The 2003 Capital Improvement Program includes a project to rehabilitate major streets.

The locations to be repaired in 2003 are Meridian, from MacArthur to Carey Lane, Kellogg Drive from Greenwich to Zelta, and 127th Street East, from Rock Creek Parkway to 21st Street.

The project budget is \$300,000. The funding source is General Obligation Bonds.

Traffic on Meridian, from MacArthur to Carey Lane, Kellogg Drive from Greenwich to Zelta, and 127th Street East, from Rock Creek Parkway to 21st Street will be restricted to one lane for approximately 30 days during the construction period.

Motion -- Knight moved that the project be approved and the Ordinance be placed on first reading. Motion
-- carried carried 7 to 0.

ORDINANCE

An Ordinance declaring Meridian, from Macarthur to Carey Lane, Kellogg Drive, from Greenwich to Zelta, and 127th Street East, Rocky Creek Parkway to 21st Street North (2003 Street Rehabilitation Program) 472-83672, to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, introduced and under the plans laid over.

HUD HUD CONSOLIDATED PLAN SUBSTANTIAL AMENDMENT. (Districts I, III, IV, and VI)

Agenda Report No. 03-0021

As part of an effort to address boarded-up or blighted homes in the City's Local Investment Areas, the Boarded-up HOME program was created as part of the City's 2000-2001 one year action plan for consolidated plan funding. The purpose of the program is to provide Community Housing Development Organizations (CHDO's) with a means to access HOME funding for the purpose of acquiring vacant, boarded-up or otherwise blighted homes, in order to rehabilitate them for purchase by income-eligible home buyers. Demolition and reconstruction may also be carried out in connection with the program. In order to effect the re-allocation of funding, the City must: 1) publish the proposed use of funds for 30 days, for public comment, 2) approve re-allocation of the funding, and 3) approve the substantial amendment to the HUD Consolidated Plan , subject to the receipt of public comments.

Housing Services is requesting re-allocation of available CHDO set-aside funds for the purpose of making them available to the Boarded-up HOME program. Funding under the program is provided through a written agreement, in the form of a zero-interest, forgivable loan, deferred until such time as the property is re-sold. Buyers of the homes must be owner-occupants, who are provided with assistance through HOMEownership 80, the City's homebuyer assistance program, which satisfies the HOME program-related deed restriction requirements. Due to the fact that the Boarded-up HOME program did not exist during the 1995 or 1998 program years, it is necessary to treat the re-allocation of funding as a substantial amendment to the HUD Consolidated Plan. Funding for the Boarded-up HOME program can only be provided within the City's Local Investment Areas.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 205

HOME funds to be re-allocated include available CHDO set-aside funding in the amount of \$141,800 from the 1998-99 program year, and available CHDO set-aside funding in the amount of \$135,083.81 from the 1995-1996 program year.

Funding agreements will be prepared and approved as to form by the Law Department. HOME program regulations require the set-aside of a minimum of 15% of the annual allocation for projects to be carried out by CHDO's. Re-allocation of the funding to the Boarded-up HOME program will maintain compliance with this requirement. Upon approval of the re-allocation, and following the 30-day comment period, the City must submit a substantial amendment to HUD.

It is recommended that the City Council approve the re-allocation of HOME funds, authorize the 30-day public comment period, approve the substantial amendment subject to citizen comments received, approve the funding agreement and authorize the necessary signatures.

Motion -- Knight moved that the reallocation of HOME funds, substantial amendment, subject to comments, and Agreement be approved; and the public comment period be approved. Motion carried 7 to 0..

SETTLEMENT

SETTLEMENT OF CONDEMNATION APPEAL.

Agenda Report No. 03-0022

In 2001 the Council authorized the acquisition by eminent domain of a right-of-way in connection with the project to improve East Kellogg from Woodlawn to near the Turnpike interchange. This required the acquisition of the property at 8028 E. Kellogg which was operated as a Lazy Boy furniture store. The property is owned by Winkal Holdings, L.L.C. The court-appointed appraisers awarded the owner \$1,274,000 for the property and the City paid this amount into court on September 20, 2002. The owner appealed.

During preparation for the trial of this matter, the owner offered to settle its appeal if the City would pay an additional \$50,000.00. The City's outside counsel estimated that the costs of proceeding with the trial would be close to \$50,000 and concluded that there was a significant risk that the jury award would increase the amount to be paid for the property by 5 to 10%.

The cost of acquiring this property will be paid out of the East Kellogg project.

Both outside counsel and the Law Department believe that it is almost certain to cost the City at least \$50,000 to proceed to trial (attorney fees, expert witness fees and an increased jury award). Both recommend acceptance of the owners offer of settlement.

Motion -- Knight moved that the payment of \$50,000.00 in full settlement of the pending condemnation appeal, Case No. 02 C 3440, be approved. Motion carried 7 to 0.

-- carried

DATASTREAM

DATASTREAM ASSET MANAGEMENT SYSTEM FOR FLEET AND FACILITIES MANAGEMENT.

Agenda Report No. 03-0023

In 2000, the City hired a consultant to study the operation of the City's fleet operations and recommend process, organizational, and financial improvements. A major recommendation by the consultant was to purchase an integrated, modern fleet management system (currently Public Works, Transit and Airport all operate separate fleet maintenance operations and software systems). The Public Works system is very old, difficult to support, beyond its useful life and is not upgradeable (Public Works also uses this same system to manage Building maintenance operations). The Transit system has very limited capabilities. Airport uses an older version of a much more robust system for all aspects of their operations, including fleet, building, runway, and general facilities management, but this older version of the software is due to be dropped from support by the vendor in 2003.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 206

The City has a need for an asset management system to:

1. Manage maintenance and lifecycle activities,
2. Achieve operational efficiencies for its fleet and building management functions.
3. Enable the management of assets from acquisition to retirement,
4. Include the capability to manage work orders, schedule preventative maintenance, track warranties and warranty claims, manage inventory, schedule tasks and resources, and provide management oversight of operations.
5. Link to the City's financial, personnel, and purchasing systems so that data is not redundantly entered, but flows between processes and systems.

This capability will increase the number and amount of warranty claims, decrease unplanned downtime while increasing the life of equipment, improve the operational efficiency of the maintenance groups, enable better inventory management that is directly linked to purchasing, decrease idle time of equipment and the personnel who use them and enable analysis of the lifecycle of assets to improve decision making. While these needs are required for other areas of City operations, the immediate need is for a system to maintain and improve operations of Public Works Fleet, Public Works Building, Transit, and Airport.

An interdepartmental team was created to explore possible solutions. After reviewing multiple solutions as to afforded the potential for a greater utilization for all City operations, it was determined that the system in use at Airport (Datastream) had the capability, if upgraded to the new version, to effectively manage Fleet, Buildings and Airport operations and the potential to also be used for other City operations in the future. As part of the review the Datastream system was evaluated in-depth, a site visit was made to the City of Austin Water & Sewer Utility (who use Datastream), references were check through a series of in-depth interviews with other Datastream customers, and discussions held with an IT think-tank service (Giga Information Group). An on-site feasibility study was then conducted with Datastream to develop an upgrade and migration plan and determine fitness of solution to City business processes.

Based upon the findings of this investigation, it is recommended that the City of Wichita contract with Datastream Systems to upgrade the current Datastream installation and expand it to provide full asset management capabilities for the entire City Fleet (including Fire, Public Works, Transit and Airport), Buildings (Public Works, Transit and Airport), and full enterprise management of Airport operations.

The total cost of this project is not to exceed \$1.1 million. Funding for this cost is available as follows:

| | |
|--------------|-----------|
| Transit | \$121,875 |
| Public Works | \$691,045 |
| Airport | \$208,907 |

While a significant outlay of funds, the cost for replacement or upgrade of the existing individual systems within each department would be a higher expense to the City. Combining the separate projects into a single application represents an economy of scale in implementation and ongoing costs with real potential for operation savings as the system is implemented and integrated into City business processes.

The contracts on this project will be reviewed and approved as to legal form by the Department of Law.

Motion --
-- carried

Knight moved that the project and Contracts be approved; and the necessary signatures be authorized.
Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 207

WAIVER

WAIVER OF FINANCIAL GUARANTEE REQUIREMENT – POWER CDC MILLAIR CREEK. (District I)

Agenda Report No. 03-0024

October 16, 2001, the City Council approved acceptance of donation of a tract of land located at 25th Street North and Minnesota (east of I-135), and subsequent donation of identified residential parcels to Power CDC, Inc., one of the City's designated non-profit Community Housing Development Organizations. The purpose of the donation of the residential parcels to Power CDC was to provide for infill housing development at the site. May 7, 2002, the Council approved the allocation of \$200,000 of HOME funding for the development, and approved the plat for Phase I on December 17, 2002. Twenty-Three homes will be constructed in the Phase I portion of the development. A local financial institution will provide additional construction financing.

There is currently a City Council policy that requires residential developers to provide a financial guarantee in a dollar amount equal to 35% of the estimated total cost of the infrastructure to be provided. The guarantee is normally provided in the form of a letter of credit, which is released upon completion of 35% of the development. The guarantee provides the City with the assurance that sufficient homes will be constructed in order to support the special assessments required to pay for the infrastructure improvements.

The new development will utilize existing street frontage on Minnesota, but will require additional paving, extension of the sanitary sewer and water lines, and improvement of a drainage swale located to the west of the end of 25th Street North.

Housing Services is requesting waiver of the financial guarantee on behalf of Power CDC, in order to facilitate expeditious completion of the project. Requiring Power CDC to provide the financial guarantee will result in the encumbrance of 25% of Power CDC's approved line of credit from its private lender, and will hinder the agency's ability to obtain the number of construction loans required to build homes for approved buyers and to complete single-family housing projects the agency is currently developing in the McAdams neighborhood. Further, the waiver is appropriate in this case, as the City has already invested approximately \$40,000 in HOME funds for pre-development costs for the new subdivision, and will continue to support the project by providing technical assistance and HOME funding from the \$200,000 allocation previously approved by the Council.

Infrastructure cost for the first phase of the development is estimated to be \$355,000. The required financial guarantee would be \$124,250.

The requirement for financial guarantees (letters of credit) in connection with petitioning for construction of public improvements to support development is a policy matter, not a legal requirement. The council has the authority to waive the requirement if a waiver is deemed appropriate.

Motion --
-- carried

Knight moved that the waiver of financial guarantee be approved and the necessary signatures be authorized. Motion carried 7 to 0.

BUDGET

2002 YEAR-END BUDGET ADJUSTMENTS.

Agenda Report 03-0025

Final expenditures have been posted to the 2002 budgets. Budget adjustments are needed to accomplish fiscal year-end closing. Adjustments exceeding \$10,000 require City Council approval in accordance with the City's Administrative Regulations.

The first pay period in 2003 contains seven days from 2002 (eleven days for those operations with weekend schedules). Due to the timing of these year-end pay period dates, an accrual adjustment is required to accurately reflect all 2002 expenses within the 2002 fiscal period. In most cases, salary savings within the department (over and above planned savings) are sufficient to offset this

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 208

extraordinary expense, but not in all cases. The total accrual is almost \$4.5 million. It is requested to authorize up to \$500,000 from the appropriated reserve (or within the departments' budgets, where possible) for the purpose of offsetting accrual expense in areas where a department would otherwise exceed the revised budget.

Because of under-expenditures in various accounts, funding is generally available within each of the authorized funds/budgets. Also, appropriated reserves have been maintained (within legal levels and according to sound financial management). Funds are available to meet the accrual needs without adverse consequence to resources needed for future programs/operations.

Compliance with State budget requirements have been met, since all budget adjustments are within funds and the final 2002 expenditure totals -- after the adjustments -- will not exceed the legally adopted 2002 expenditure authorizations.

Motion --carried

Knight moved that the budget adjustments be approved. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1911 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0026

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Earl Bradburn, Trustee of the Earl Bradburn Revocable Trust. The property is located at 1911 North Hillside and is improved with a 974 square foot frame house on a 7,000 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 31,500. The owner has agreed to sell for this amount. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$45,000 is requested. This includes \$31,500 for the acquisition, \$5,000 for demolition, \$6,500 for moving and relocation and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1933 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0027

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Gary and Patsy Winegar. The property is located at 1933 North Hillside and is improved with a 796 square foot frame house on a 7,000 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 25,000. The owner has agreed to sell for \$26,500. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$45,000 is requested. This includes \$26,500 for the acquisition, \$5,000 for demolition, \$6,500 for moving and relocation and \$2,000 for closing costs and title insurance.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 209

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - 1943 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0028

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Kevin Kimmel,, Trustee of the Kevin Kimmel Revocable Trust. The property is located at 1943 North Hillside and is improved with a 796 square foot frame house on a 7,000 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 26,500. The owner has agreed to sell for this amount. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$40,000 is requested. This includes \$ 26,500 for the acquisition, \$ 5,000 for demolition, \$6,500 for moving and relocation and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - 1947 NORTH HILLSIDE: HILLSIDE IMPROVEMENT, BETWEEN 17TH AND 21ST STREETS. (District I)

Agenda Report No. 03-0029

The Hillside Improvement Project, between 17th and 21st Streets, was approved for design and right-of-way acquisition by the City Council on May 21, 2002. The project will require the acquisition of 15 tracts. One of the properties is owned by Dorothy Graham. The property is located at 1947 North Hillside and is improved with a 1,096 square foot frame house on a 7,000 square foot site. The planned improvements will require the removal of the improvements and utilization of the site.

The property was valued at \$ 35,000. The owner has agreed to sell for \$ 35,750. The tenant will be relocated and the site will be processed for demolition.

Funds have been budgeted in the Capital Improvement Program for acquisitions for this project. The funding source will be General Obligation Bonds paid by local sales tax revenues. A budget of \$50,000 is requested. This includes \$35,750 for the acquisition, \$5,000 for demolition, \$7,250 for moving and relocation and \$2,000 for closing costs and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - 8220 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 03-0030

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. A portion of the property at 8220 East Kellogg is required for the project.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 210

The portion required contains 9,394 square feet and is developed for parking for the motel that occupies the site.

The City has previously acquired the properties 8200 East Kellogg (Taco Bell), 8210 East Kellogg (Kentucky Fried Chicken) and 8230 East Kellogg (Sal's) for the highway project. The improvements on these three tracts will be removed. The remnants will consist of 10,620, 2,530 and 2,530 square feet respectively for a total of 15,680 square feet. None of these tracts are developable. The owner of 8220 East Kellogg has agreed to trade the needed right-of-way for these remnants.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$22,000 is requested. This includes \$15,000 to move the existing sign, \$5,000 to clear the site and \$2,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - 7152 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 03-0031

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. In order to facilitate this project, the property at 7152 East Kellogg is required. The parcel contains 20,340 square feet and is improved with a 4,535 square foot restaurant facility.

The owner has agreed to sell the property for a negotiated price of \$500,000. The owner's personal property and equipment will be moved or acquired. The improvements will be cleared. The site and adjacent city-owned remnants will be utilized in the negotiated settlement with an adjacent owner.

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$527,000 is requested. This includes \$500,000 for acquisition, \$15,000 for relocation, \$10,000 to clear the site and \$2,000 for closing costs, surveys and title insurance.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - 7310 EAST KELLOGG FOR THE EAST KELLOGG IMPROVEMENT PROJECT. (District II)

Agenda Report No. 03-0032

In December 2001, the total acquisitions required for the East Kellogg/Rock Road Improvement Project were released for active acquisition. Current plans call for construction of the Rock Road/Kellogg interchange to start in 2003. A portion of the property at 7310 East Kellogg is required for the project. The property is developed as a full-service auto dealership with 82,654 square feet of improvements. The proposed improvements to Kellogg will eliminate all frontage on Kellogg and encroach into the building itself.

The owner wishes to remain at this site. To accomplish this, he has agreed to sell the property for a negotiated price of \$12,460,000. This amount includes funds for relocation of business property as required by law. The owner will demolish the existing improvements and redevelop on the portion of the site not needed for highway construction. The redevelopment will require the remnants of some parcels previously acquired by the City for the Kellogg project.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 211

The Capital Improvement Program includes funds for acquisitions. The funding source will be local sales tax revenues. A budget of \$12,500,000 is requested. This includes \$12,460,000 for acquisition and relocation and \$40,000 for closing costs, surveys and title insurance.

The Law Department will draft and approve the contract as to form.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF - SEWER EASEMENT – 2924 SOUTH HOOVER. (District IV)

Agenda Report No. 03-0033

On September 25, 2001, the City Council approved a project to improve drainage along Hoover Road from Harry to 31st Street South and to improve the road. Part of the planned development calls for the improvement of sewer and road at 2924 South Hoover. This construction will require about 610 square feet of a parcel owned by William Pinkston.

The easement contains approximately 610 square feet and has been valued at \$1,000.. The owner has agreed to grant the City the easement for this amount. There is material and equipment on the site that will need to be relocated as part of the project. Another \$1,000 is provided for this.

A budget of \$2,000 is requested for the acquisition.

Motion --
-- carried

Knight moved that the budget and the Utility Easement be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY ACQ.

ACQUISITION OF 1053 ACADIA. (District V)

Agenda Report No. 03-0034

In January 2002, in connection with the change out of a water meter serving 1053 Acadia, water service was turned on to a property which was vacant and for which the owner had ordered water service discontinued. As a result, water ran in the property for a period of almost two months. This caused significant damage to the property and to personal property located within the house. The owner has made claim against the City in the amount of \$36,207 to cover the cost of repairing or remedying these damages.

In discussions with the owner of the property, she has proposed that the City acquire the house at appraised value so that she can obtain another home and the City can do the repairs necessary to bring the Acadia property back to a condition where it can be sold or utilized by the City as part of its housing stock. The County has appraised the property at 1053 Acadia at \$77,900.

The funds to obtain this property will be paid from the Water Utility.

The Law Department has prepared a real estate purchase contract reflecting the property owner's offer to sell her house in return for a release of all claims. The contract has been approved as to form by the Law Department.

Motion --
-- carried

Knight moved that the Real Estate Purchase Contract and budget be approved; and the necessary signatures be authorized when the property owners provides the City a full release of her claims against the City. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 212

PROPERTY ACQ. ACQUISITION OF - 2402 EAST 9TH STREET. (District I)

Agenda Report No. 03-0035

The City Council allocated CDBG funds to acquire and demolish the improvements at 2402 East 9th Street. The property is owned by Rudesel Nicholson. The tract contains 14,000 square feet and is improved with a 1,557 square foot masonry building. The property was originally a service station and most recently a restaurant. It is currently vacant. Upon acquisition the site will be cleared to improve the overall image of the neighborhood.

The property was appraised for \$35,000. The owner indicated that he had received several offers for the property at prices up to \$70,000 but all had failed to close. He did have a \$45,000 offer in writing from the owner to the east. An amount between the appraisal and the written offer, \$40,000 was agreed upon. As the property is vacant, there is no relocation associated with this acquisition. The site will be processed for demolition and underground tanks removed.

Funds have been allocated in the CDBG budget in the amount of \$55,000. Any costs incurred in acquisition and clearance above that amount will be funded from the Property Management revenue fund. These sources will be reimbursed if the site is resold. A budget of \$65,000 is requested. This includes \$40,000 for the acquisition, \$3,000 for demolition, \$17,000 for tank removal and registration, and \$5,000 for closing costs, title insurance, appraisals and other due diligence items.

Motion --
-- carried

Knight moved that the budget and the Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

PROPERTY DISP. SALE OF SURPLUS PROPERTY - NORTH SIDE OF KELLOGG, EAST OF BONNIE BRAE. (District II)

Agenda Report No. 03-0036

An offer of \$4.00 has been received for the City-owned tract of vacant land located on the north side of Kellogg east of Bonnie Brae. The tract was acquired in 2000 in conjunction with the pending Kellogg/rock Road Interchange project. The site is currently developed with three commercial buildings. Two of these buildings will need to be removed and the south approximately 115 feet of the site will be used for the highway project. The subject tract will contain slightly more than 40,000 square feet. There is a 5,832 square foot building on the site. This building was formally a furniture store but has been vacant for several years.

The buyer intends to redevelop the existing building for use by the restaurant currently located at 8430 East Kellogg. This business is being dislocated by the highway project and wants to stay on the East Kellogg corridor. This site has not been marketed on a speculative basis but has been provided as a replacement site for existing businesses. The current offer is the most advantageous received. All costs of rezoning, platting, etc. will be borne by the buyer.

The City will receive cash consideration from the sale of the property at closing. Upon sale, the property will return to the tax rolls and be redeveloped.

Motion --
-- carried

Knight moved that the sale and Contract be approved; and the necessary signatures be authorized. Motion carried 7 to 0.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 213

ORDINANCES

SECOND READING ORDINANCES: (FIRST READ DECEMBER 17, 2002)

- a) 13th Street at Hydraulic Intersection Improvement. (District I)

ORDINANCE NO. 02-529

An Ordinance declaring the intersection of 13th Street North and Hydraulic (472-83667) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- b) Request for Letter of Intent for Industrial Revenue Bonds and Tax Exemption Request – Typed Letters Corporation. (District V)

ORDINANCE NO. 02-530

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, section 13, of the Kansas constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Typed Letters Corporation, so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- c) Public Hearing and Tax Exemption Request – Perfekta, Inc. (District VI)

ORDINANCE NO. 02-531

An Ordinance exempting property from ad valorem taxation for economic development purposes pursuant to Article 11, Section 13, of the Kansas Constitution; providing the terms and conditions for ad valorem tax exemption; and describing the property of Perfekta, Inc, so exempted, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- d) Appropriating 2003 budget; ratifying payment of claims against 2002 budget.

ORDINANCE NO. 02-532

An Ordinance appropriating the amounts set up in each fund in the budget; providing for the payment of all claims and charges against the accounts provided for therein; and approving and ratifying the payment of all claims against the accounts, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- e) Adult business establishments.

ORDINANCE NO. 02-533

An Ordinance amending Sections 3.05.70 and 3.05.100 of the Code of the City of Wichita, Kansas, pertaining to regulation ad Adult Business Establishments and repealing to originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 214

- f) Private on-line sewage system code.

ORDINANCE NO. 02-534

An Ordinance amending Section 16.12.10, 16.12.20, 16.12.30, 16.12.40, 16.12.50, 16.12.60, 16.12.70, 16.12.90, and 16.12.100, and creating Section 12.16.45 of the Code of the City of Wichita, Kansas, pertaining to on-site waste water and alternative sewer systems and repealing the originals of said Sections, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

- g) ZON2002-18 - south of 21st Street North, west side of Webb Road. (District II)

ORDINANCE NO. 02-535

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.21, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-18.

- h) ZON2002-62 – southwest Corner of Maple and 119th Street West. (District V)

ORDINANCE NO. 02-536

Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. ZON2002-62

- i) A02-22 – east of Tyler Road and South of 37th Street North. (District V)

ORDINANCE NO. 02-537

An Ordinance including and incorporating certain blocks, parcels, pieces, and tracts of land within the limits and boundaries of the City of Wichita, Kansas, and relating thereto, read for the second time. Knight moved that the Ordinance be placed upon its passage and adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight. A02-22

SERVICE ANIMALS FIRST READING ORDINANCE - AMENDMENT PERTAINING TO SERVICE ANIMALS.

Agenda Report No. 03-0037

The City has ordinances regarding licensing of dogs and the presence of animals in public facilities, such as the stadium and the Airport. Because disabled persons use various service animals for assistance, the ordinances should be revised.

The City Code addresses the use of dogs used by the visually impaired. The ordinance amendment updates the code and recognizes that service animals are used by other disabled persons.

There are no financial implications to the amendments.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 215

Motion -- carried

Knight moved that the Ordinance be placed on first reading. Motion carried 7 to 0.

ORDINANCE

An Ordinance amending Sections 6.04.150, 9.22.100, and 9.30.020, all pertaining to service animals, and repealing the originals of said Sections, introduced and under the plans laid over.

PLANNING AGENDA

Dale Miller

Director of Planning stated that the Planning Agenda could be considered as consensus, except Items unless the Council desired to withhold other Items.

Motion -- carried

Knight moved that the Planning Agenda be approved as consensus Items. Motion carried 7 to 0.

S/D 99-86

S/D 99-86 – PLAT OF REED COMMERCIAL ADDITION – SOUTHEAST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST. (District II)

Agenda Report No. 03-0038

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (14-0)

This site has been approved by the Board of County Commissioners for a zone change (SCZ-0712) from “SF-20” Single-Family Residential District to “LC” Limited Commercial District. Subsequent to the zone change, the site has been annexed into the City of Wichita. The site is subject to the Reed Property Commercial Commercial CUP (DP-222). A CUP Certificate was provided identifying the approved CUP and its special conditions for development.

A Petition, 100%, has been submitted for water, paving, sewer and drainage improvements, and a Certificate of Petitions has been provided.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The CUP Certificate and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolution be adopted; and the SCZ-0712 Ordinance be adopted with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

-- carried

RESOLUTION NO. 03-005

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89776 (south of 21st Street, east of 127th Street East), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the plans laid over. SCZ-0712

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 216

SUB2002-57

SUB2002-57 – PLAT OF REED'S COVE ADDITION – SOUTHEAST CORNER OF 21ST STREET NORTH AND 127TH STREET EAST.

Agenda Report No. 03-0039

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This site has recently been annexed into the City. A zone change (ZON 2002-41) from "SF-20" Single-Family District to "MF-18" Multi-Family District for Lot 40, Block 1, has been approved

Petitions, all 100%, have been submitted for water, paving, sewer and drainage improvements. A Certificate of Petitions has been submitted. To provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant was submitted requiring that four (4) off-street spaces be provided for each such lot and also to provide for the ownership and maintenance of the reserves.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions and Restrictive Covenant will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON 2002-41 Ordinance be adopted with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 03-005

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89764 (south of 21st Street, east of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-006

Resolution of findings of advisability and resolution authorizing construction of Main 14, Four Mile Creek Sewer (south of 21st Street, east of 127th Street East) 468-83565, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-007

Resolution of findings of advisability and resolution authorizing construction of Lateral. 1, Main 14 Four Mile Creek Sewer (south of 21st Street, east of 127th Street East) 568-83566, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-008

Resolution of findings of advisability and resolution authorizing improving of Storm Water Sewer No. 585 (south of 21st Street, east of 127th Street East) 468-83569, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 217

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the plans laid over. ZON 2002-41

SUB2002-70

SUB2002-70 – PLAT OF EXECUTIVE AT WHITE TAIL ADDITION – SOUTHEAST CORNER OF K-96 AND 13TH STREET NORTH. (District II)

Agenda Report No. 03-0040

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This is a replat of a portion of the White Tail Addition and is located within the City of Wichita's city limits. It is zoned "LC" - Limited Commercial District.

Petitions, all 100%, have been submitted for a sanitary sewer, paving and drainage improvements and decel lanes. A Certificate of Petitions was provided. A Restrictive Covenant has been submitted providing for the ownership and maintenance of the reserves and driving surface of 13th Street North. In addition, a Restrictive Covenant was also submitted to establish the location of a joint ingress/egress point to 13th Street North. In order to guarantee the closure of a drive required by access control being dedicated by this plat, a Drive Approach Closure Certificate was submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-009

A Resolution amending Resolution No. R-93-478 to the construction of Water Supply Line Number 448-88759 (south of 13th Street, west of 127th Street East) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-010

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89726 (south of 13th Street, east of K-96 Expressway) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-011

Resolution of findings of advisability and resolution authorizing improving of Storm Water Sewer No. 576 (south of 13th Street, east of K-96 Expressway) 468-83522, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 218

RESOLUTION NO. 03-012

Resolution of findings of advisability and resolution authorizing construction of Lateral 339, Four Mile Creek Sewer (south of 13th Street, east of K-96 Expressway) 468-83523, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-013

Resolution of findings of advisability and resolution authorizing a deceleration/acceleration lane on 13th Street into the entrance to serve Lots 1 through 6, Block 1, the Executive at White Tail Addition (south of 13th Street, east of K-96 Expressway) 472-83634, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-74

SUB2002-74 – PLAT OF THE WATERFRONT ADDITION – NORTHEAST CORNER OF 13TH STREET AND WEBB ROAD. (District II)

Agenda Report No. 02-0041

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (11-0)

Subsequent to the zone change, the site has been annexed by the City and is zoned "LI" Limited Industrial District.

Petitions, all 100%, have been submitted for water, paving, sewer, drainage, turn lanes and traffic improvements, and a Certificate of Petitions has been provided. A Restrictive Covenant has been submitted to establish a homeowner's association to provide for the ownership and maintenance of the reserves. This site is within the noise impact areas of Jabara Airport/McConnell Air Force Base; therefore, a Restrictive Covenant and Avigational Easement were required. In order to guarantee the closure of a drive required by access control being dedicated by this plat, a drive approach closure Certificate was submitted.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants, Avigational Easement and Drive Approach Closure Certificate will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-014

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89768 (north of 13th Street, east of Webb) in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 219

RESOLUTION NO. 03-015

Resolution of findings of advisability and resolution authorizing construction of Lateral 40, Main 24, War Industries Sewer (north of 13th Street, east of Webb) 468-83553, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-90

SUB2002-90 – PLAT OF LEGACY PARK WILSON ESTATES SECOND ADDITION – SOUTHWEST CORNER OF 21ST STREET NORTH AND WEBB ROAD. (District II)

Agenda Report No. 03-0042

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This is a replat of Lots 1 and 4, Block 1, of the Legacy Park Wilson Estates Addition and is zoned “GO” - General Office District and “LC” - Limited Commercial District. The site is also subject to the Wilson Property N.E. Commercial CUP (DP-200). A CUP Certificate was provided identifying the approved CUP and its special conditions for development.

A Petition, 100%, has been submitted for water improvements, and a Certificate of Petition has been provided. Restrictive Covenants have been submitted to establish a homeowner’s association to provide for the ownership and maintenance of the reserves. As a result of this site being located within the noise impact areas of McConnell Air Force Base/Jabara Airport, a Restrictive Covenant and an Avigational Easement were required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The CUP Certificate, Certificate of Petition, Restrictive Covenants, and Avigational Easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the Resolution be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-016

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 44-89769 (south of 21st Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-91

SUB2002-91 – PLAT OF EVERGREEN THIRD ADDITION – NORTH SIDE OF 21ST STREET AND WEST OF MAIZE ROAD. (District V)

Agenda Report No. 03-0043

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This is a replat of Lots 9, 10 and 11, Block 6, and Lot 1, Block 7, of the Evergreen Addition and is zoned “SF-5” Single-Family Residential District and is located within the City of Wichita’s city limits.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 220

Petitions, all 100%, have been submitted for sanitary sewer, drainage, municipal water, paving and traffic improvements. A Certificate of Petitions has been provided. A Restrictive Covenant was submitted in regards to sharing in the ownership and maintenance responsibilities of the previously platted reserves in Evergreen Addition.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Restrictive Covenants and Certificate of Petitions will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-017

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89490 (north of 21st Street, west of Maize), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-018

Resolution of findings of advisability and resolution authorizing improving of Lateral 462, Southwest Interceptor Sewer (north of 21st Street, west of Maize) 468-83148, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-019

Resolution of findings of advisability and resolution authorizing improving Rutgers/Greenspoint/Parkdale from the north line of Lot 20, Block 5, to the north line of Lot 10, Block 5; Rutgers Court serving Lots 11 through 20, Block 5; Greenspoint from the west line of Rutgers/Greenspoint to the west property line of Lot 1, Block 6. Sidewalk along the west, south and east side of Rutgers/Greenspoint/Parkdale (north of 21st Street, west of Maize) 472-83256 in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-95

SUB2002-95 – PLAT OF TYLER’S LANDING ADDITION – SOUTH OF 37TH STREET NORTH, EAST SIDE OF TYLER ROAD. (District V)

Agenda Report No. 03-0044

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (12-0)

This plat was recently annexed into the City of Wichita. This final plat consists of the southwestern portion of the overall preliminary plat approved for the site and represents the first phase of development.

Petitions, all 100%, have been submitted for sewer, water, drainage, paving and traffic improvements, and a Certificate of Petitions has been provided. In order to provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided for each such lot. A Restrictive Covenant has been submitted to provided for the ownership and maintenance of the reserves. An Off-site Utility Easement and a Temporary Cul-de-sac Dedication have also been provided.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 221

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenants, Utility Easements and the Temporary Cul-de-sac Dedication will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-020

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89771 (south of 37th Street North, east of Tyler), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-021

Resolution of findings of advisability and resolution authorizing construction of Lateral 490, Southwest Interceptor Sewer (south of 37th Street North, east of Tyler) 468-83577, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-022

Resolution of findings of advisability and resolution authorizing construction of Lateral 491, Southwest Interceptor Sewer (south of 37th Street North, east of Tyler) 468-83578, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-023

Resolution of findings of advisability and resolution authorizing construction of Storm Water Drain No. 198 (south of 37th Street North, east of Tyler) 468-83579, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-98

SUB2002-98 – PLAT OF REMINGTON PLACE SECOND ADDITION – SOUTH SIDE OF 21ST STREET NORTH, EAST OF WEBB ROAD. (District II)

Agenda Report No. 03-0045

Staff Recommendation: Approve the plat.
MAPC Recommendation: Approve the plat. (11-0)

This is an unplatted site located within the City, in addition to a replat of a portion of Remington Place Addition. A portion of the site has been approved for a zone change (ZON 2001-44) from SF-5, Single-Family Residential to NO, Neighborhood Office. The applicant proposes an office use for Lot 1, Block 1 and residential uses for the remainder of the property.

Petitions, all 100%, have been submitted for paving, water, sewer and paving improvements, and a Certificate of Petitions has been provided. In order to provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant has been submitted requiring that four (4) off-street spaces be

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 222

provided for each such lot. Also included in the Restrictive Covenant, is the provision to establish a homeowner's association to provide for the ownership and maintenance of the reserves. A Restrictive Covenant addressing the narrow street has also been submitted. Since this site is within the noise impact areas of Jabara Airport/McConnell Air Force Base, a Restrictive Covenant and an Avigational Easement was required.

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days. Publication of the ordinance should be withheld until such time as the Plat is recorded with the Register of Deeds.

The Certificate of Petitions, Restrictive Covenants and Avigational Easement will be recorded with the Register of Deeds.

Motion --

-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be authorized; the Resolutions be adopted; and the ZON 2001-44 Ordinance be adopted with publication being withheld until such time as the Plat is recorded with the Register of Deeds. Motion carried 7 to 0.

RESOLUTION NO. 03-024

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89763 (south of 21st Street, east of Webb), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-025

Resolution of findings of advisability and resolution authorizing construction of Lateral 41, Main 24, War Industries Sewer (south of 21st Street, east of Webb) 468-83554, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210, introduced and under the plans laid over. ZON 2001-44

SUB2002-105

SUB2002-105 – PLAT OF FALCON FALLS ADDITION – SOUTH OF 53RD STREET NORTH, WEST SIDE OF HILLSIDE. (District I)

Agenda Report No. 03-0046

Staff Recommendation: Approve the plat.

MAPC Recommendation: Approve the plat. (12-0)

This unplatted site is located within the City of Wichita's city limits and is zoned "SF-5" - Single-Family Residential District.

Petitions, all 100%, have been submitted for sewer, water, paving and drainage improvements. A Certificate of Petitions has been submitted. In order to provide for off-street parking for lots adjacent to narrow streets, a Restrictive Covenant has been submitted requiring that four (4) off-street spaces be provided for each such lot. Also included in the Restrictive Covenant, is the provision to establish a homeowner's association to provide for the ownership and maintenance of the reserves. An Off-Site Drainage Easement was provided. A temporary off-site dedication for a cul-de-sac has been provided.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 223

This plat has been reviewed and approved by the Planning Commission, subject to conditions and recording within thirty (30) days.

The Certificate of Petitions, Restrictive Covenant, Drainage Easement and Temporary Turnaround Easement will be recorded with the Register of Deeds.

Motion --
-- carried

Knight moved that the documents and Plat be approved; the necessary signatures be approved; and the Resolutions be adopted. Motion carried 7 to 0.

RESOLUTION NO. 03-026

Resolution of findings of advisability and resolution authorizing construction of Water Distribution System Number 448-89767 (south of 53rd Street North, west of Hillside), in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

RESOLUTION NO. 03-027

Resolution of findings of advisability and resolution authorizing construction of Lateral 4, Main 13, Sanitary Sewer No. 23 (south of 53rd Street North, west of Hillside) 468-83574, in the City of Wichita, Kansas, pursuant to findings of advisability made by the governing body of the City of Wichita, Kansas, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

SUB2002-125

STREET IMPROVEMENT AGREEMENT FOR LOT SPLIT NO. SUB2002-125 – EAST OF SENECA, SOUTH OF 61ST STREET SOUTH. (District IV)

Agenda Report No. 03-0047

Staff Recommendation: Approve the Agreement.

This No Protest Agreement for the future extension of sanitary sewers for Lot 16. The Lot Split will allow for the creation of an additional lot zoned SF-5, Single Family Residential District. This Agreement assures the City of Wichita that this property will be included in the sewer improvements, and that the owners have waived their right to protest said sewer improvement.

The No Protest Agreement will be recorded with the Register of Deeds.

Motion -- carried

Knight moved that the Agreement be approved. Motion carried 7 to 0.

ZON2002-00063

ZON2002-00063 – ZONE CHANGE TO LIMITED COMMERCIAL; AMENDMENT OF PROTECTIVE OVERLAY NO. 49 – NORTHWEST CORNER OF MAIZE ROAD AND CENTRAL PARK. (District V)

Agenda Report No. 03-0048

MAPC Recommendation: Approve, subject staff recommendation. (10-0)
Staff Recommendation: Approve, subject to amended Protective Overlay #49 conditions.
D.A.B. V Recommendation: Approve, subject to staff comments. (7-0)

The applicant is requesting rezoning of a 19.64-acre parcel on the northwest corner of Maize Road and Central Park Street to "LC" Limited Commercial. The property is currently zoned "GO" General Office and restricted to 155,000 square feet of office uses or hotel/residential uses up to a maximum of 310 units. The requested change would allow "LC" type development along Maize Road (within 850 feet of Maize Road) except for prohibiting taverns, drinking establishments, adult entertainment, service

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 224

stations, vehicle repair, convenience stores, and car washes. The remaining 300 feet along the western edge of the parcel would be more restricted, with only "GO" uses.

The applicant originally requested a maximum gross floor area of 200,000 square feet for all uses on the application area, but has scaled back the request to limit the retail component to 150,000 square feet. Further, if the "LC" square footage is developed, the applicant has agreed to scale back the office development on the parcels to the south located between 21st Street North and Central Park Street. This would keep total traffic volumes within the same range as has already been approved for the NewMarket Square development.

The property is not a community unit plan. It is part of NewMarket Square, a master planned development with approximately 100 acres for commercial (retail/office/hotel) development. The main parcel of 65 acres was approved for zoning and development prior to annexation to Wichita and before C.U.P. provisions were available for application to county projects. The protective overlay provisions serve in a similar manner as a C.U.P.

The protective overlay proposes a 23 percent maximum building coverage and gross floor area. Net floor area would be closer to 30 percent since approximately one-fourth to one-third of the property is anticipated to be part of a lake feature. The P-O amendment requests an increase in sign height for one sign to 30 feet. Other provisions are similar to the existing P-O.

Perhaps 60 percent of the site is shown on the FEMA maps as being within the 100-year floodplain. A lake feature is shown on the western part of the lot to provide for storm water detention; additionally the lake buffers the single-family neighborhood to the west from the commercial uses on the site.

The property is currently in vacant. The property to the west, zoned "SF-5", has recently been developed as Evergreen, a single-family residential neighborhood. The property to the north, is zoned "SF-20", and is vacant and a portion is within the Pracht wetlands. The property to the east is zoned "SF-5" and occupied by a residence on a large acreage. A small commercial tract with a mix of "NR" Neighborhood Retail, "GO" and "NO" Neighborhood Office zoning is located south of this acreage, and Chadsworth, a single-family residential neighborhood, is farther to the southeast. The Pracht wetlands are located to the northeast on property zoned "SF-20". The property immediately south of Central Park is part of NewMarket Square, zoned "LC", but is vacant. Farther south, the property has been developed with a wide range of commercial and retail activities comprising NewMarket Square. Total size of NewMarket development, including the subject tract, is approximately 100 acres.

At the District V Advisory Board meeting held on December 2, 2002, the DAB voted (7-0) to recommend approval subject to staff comments. No citizens spoke in opposition. DAB members' questions about the retention pond, traffic signalization, sidewalks and the impact of the development on the neighborhood area were answered to their satisfaction.

At the MAPC meeting held on December 5, 2002, MAPC voted (10-0) to recommend approval subject to staff recommendations. These recommendations included the protective overlay provision conditions listed in the staff report, plus deleting the "NR" Neighborhood Retail uses on the western 300 feet of the parcel to correspond to the developer's letter to the neighbors, and including a guarantee for signalization at the main entrance to NewMarket Square and 60 percent of signalization at Maize Road and Central Park Street, subject to a traffic study of signal warrants by the Traffic Engineer.

Motion --

Knight moved that Council concur with the findings of the MAPC and approve the zone change and amendment to Protective Overlay #49; and that the Ordinance be placed on first reading.

-- carried

Motion carried 7 to 0.

ORDINANCE

An Ordinance changing the zoning classifications or districts of certain lands located in the City of Wichita, Kansas, under the authority granted by the Wichita-Sedgwick County Unified Zoning Code, Section V-C, as adopted by City of Wichita Code Section 28.04.210. ZON2001-63

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 225

ZON2002-00055

ZON2002-00055 – ZONE CHANGE FROM GENERAL OFFICE AND MULTI-FAMILY RESIDENTIAL TO OFFICE WAREHOUSE, AND CUP2002-00038 DP67 NO. 5, AMENDMENT TO NORTHBOROUGH COMMUNITY UNIT PLAT – SOUTH OF 21ST STREET NORTH, EAST OF WOODLAWN. (District II)

Agenda Report No. 03-0049

MAPC Recommendation: Approve, subject to conditions and staff recommendations (10-0).

DAB Recommendation: Approve, subject to conditions and staff recommendations (8-0).

Staff Recommendation: Approve, subject to conditions.

The applicant requests a zone change from “GO” General Office and “MF-18” Multi-Family to “OW” Office Warehouse on a platted, mostly-vacant, 46.47-acre tract generally located south of 21st Street North and east of the Woodlawn. The applicant also requests an amendment of DP-67 Northborough Community Unit Plan (CUP) to allow office and research oriented uses and to change two large parcels and a reserve into 12 smaller parcels and a smaller reserve, including a realignment of the streets and a relocation of the drainage retention area.

The character of the surrounding area is predominately office and commercial, with a shopping center and office park to the west, commercial uses to the north, and office uses to the east. The nearest residential properties are located east of the subject property across a 100-foot wide utility easement with large electrical power lines and poles. The properties to the north are zoned “LC” Limited Commercial and “B” Multi-Family and are developed with retail businesses, a restaurant, and a nursing home. The properties to the east are zoned “GO” General Office and “MF-18” Multi-Family and are developed with offices and single-family residences, with a large vacant tract approved for the development of townhouses. The property to the south is zoned “SF-5” Single Family and is undeveloped land owned by Westar Energy. The property to the west is zoned “SF-5” Single Family and is developed with the Hebrew Congregation Synagogue.

The CUP proposes all uses permitted by right in the “OW” district except for outdoor storage and work areas; tattoo and body piercing facilities; self-service storage warehouses; recycling processing centers; veterinary clinics with outdoor runs; and auditoriums or stadiums. The CUP also proposes to limit manufacturing facilities to those with the entire frontage of the ground floor used for office or display space. The maximum building height proposed is 45 feet. A maximum building coverage of 30% and a maximum gross floor area of 40% are proposed. Each parcel is proposed to be limited to two buildings, except for Parcel 18, which would permit 20 buildings. Setbacks are proposed to be those allowed by the “OW” district, except along Bramblewood, where a 75-foot setback is proposed, and along Rockhill and Stratford, where a 35-foot setback is proposed. Signage is proposed to be per the city code for the “OW” district, except that all signs are proposed to be monument type and spaced a minimum of 150 feet apart. Landscape street yards with a minimum depth of 10 or 15 feet, depending upon overall lot depth, and parking lot screening and landscaping are proposed for all parcels. The existing hedgerow along the east property line is proposed to be maintained. No screening wall along the south or east property lines is proposed due to the large reserve and existing hedgerow along the east property line and the existence of utility-owned property to the south. All buildings are proposed to have the same predominate exterior building materials and architectural character, with metal prohibited from being a predominate exterior building material. Sidewalks are proposed along the street frontage of the parcels to provide for pedestrian circulation. Since the parcels are located along local streets and since each parcel has street frontage, cross-lot vehicular access is not proposed.

At the DAB hearing on December 2, 2002, the DAB voted 8-0 to recommend approval of the request. Citizens in attendance at the DAB hearing expressed concerns about the increase in traffic resulting from the proposed development. At the MAPC hearing on December 5, 2002, no citizens spoke at the MAPC hearing regarding the request. The MAPC voted 10-0 to recommend approval of the request subject to replatting within one and subject to the following conditions:

1. The development of this property shall proceed in accordance with the development plan as recommended for approval by the Planning Commission and approved by the Governing Body, and any substantial deviation of the plan, as determined by the Zoning Administrator and the Director of

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 226

Planning, shall constitute a violation of the building permit authorizing construction of the proposed development.

2. Any major changes in the development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.

3. The applicant shall submit four 24" x 36" folded copies of the CUP to the Metropolitan Area Planning Department within 60 days after approval of this amendment by the Governing Body, or the request shall be considered denied and closed.

Motion --

-- carried

Knight moved that Council concur with the findings of the MAPC and approve the zone change and C.U.P., subject to the recommended conditions; and the Planning Department be instructed to forward the Ordinance for first reading when the plat is forwarded to the City Council. Motion carried 7 to 0.

**ZON2001-00008
CUP2001-00004**

ZON2001-00008 AND CUP2001-00004 – EXTENSION OF TIME TO COMPLETE PLATTING REQUIREMENT FOR A ZONE CHANGE FROM MULTI-FAMILY RESIDENTIAL TO LIMITED COMMERCIAL; AND AN AMENDMENT TO DP-62 CHELSEA STATION C.U.P. – NORTHWEST CORNER OF ROCK HILL AND ROCK ROAD. (District II)

Agenda Report No. 03-0050

Staff Recommendation: Approve one-year extension of time to complete platting.

On January 8, 2002, the City Council approved a zone change from "MF-18" Multi-Family Residential to "LC" Limited Commercial and an amendment to DP-62 Chelsea Station CUP on property generally located on the northwest corner of Rockhill and Rock Road. Approval was subject to the condition of replatting the property within one year. The applicant indicates that since the zone change approval the property has been in negotiation for sale, and replatting could not proceed as a result. Therefore, the applicant has requested a one-year extension of the replatting requirement. MAPC Policy Statement No. 5 indicates that one-year extensions of time to complete platting require City Council approval when the applicant has yet to file the platting application.

Motion --

-- carried

Knight moved that the one-year extension of time to complete platting to January 8, 2004, be approved. Motion carried 7 to 0.

AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.

AIRPORT

SCHEDULE OF FEES AND CHARGES FOR AIRCRAFT USE OF MID-CONTINENT AIRPORT.

Agenda Report No. 03-0051

Annually the Wichita Airport Authority (WAA) adopts a Schedule of Fees and Charges and a Resolution to establish certain rates for aviation users of Mid-Continent Airport. The fees are calculated to maintain adequate revenue streams that will cover budgeted operating and capital costs incurred to support the related functions.

The landing fee and terminal space rent rate calculations are in accordance with the methodology established in the airline/airport use agreement and its application to the adopted budget. Other aviation use fees are set to reflect market price. Rates are established through resolution for those entities that do not hold agreements with the WAA at a higher rate to reflect the lack of fixed commitment.

CITY COUNCIL PROCEEDINGS

JOURNAL 177

JANUARY 7, 2003

PAGE 227

The rates included in the Schedule of Fees and Charges are expected to produce nearly \$5 million in revenues in 2003. The rate setting methodology for 75% of those revenues is determined by lease agreements. The remainder of the use rates proposed are the same as 2002. All of the use rates can be altered at any time should that be necessary to recover costs.

Rates have been developed in accordance with Federal rates and charges regulations. The Resolution has been approved as to form by the Department of Law.

Motion --

Knight moved that the schedule of fees and charges be approved and the Resolution implementing a schedule of fees and charges for passenger airlines all to be effective January 1, 2003, be adopted.

-- carried

Motion carried 7 to 0.

RESOLUTION NO. A-03-001

A Resolution of the Wichita Airport Authority adopting and implementing a schedule of fees and charges for passenger airlines, presented. Knight moved that the Resolution be adopted. Motion carried 7 to 0. Yeas: Brewer, Fearey, Gale, Lambke, Martz, Pisciotte, Knight.

ADJOURNMENT

The City Council meeting adjourned at 12:03 p.m.

Pat Graves CMC
City Clerk